

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 18-13463**
Michael P. Simmons : **Chapter 13**
Brenda L. Simmons : **Judge Jean K. FitzSimon**
: *********
Debtor(s).

OBJECTION TO DEBTOR'S AMENDED CHAPTER 13 PLAN

Now comes U.S. Bank National Association ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Amended Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 339 S Hanover St., Pottstown, PA 19465-7023. Creditor has filed proof of claim number 4 for the subject mortgage loan.
2. Debtor's Amended Plan does not list Creditor's subject mortgage loan as a secured claim and makes no provision for curing Creditor's arrearage claim, nor for the maintenance of post-petition payments. Creditor asserts that Debtor still holds an interest in the property. As such, Creditor requests that the Plan be amended to provide for Creditor's claim or to surrender said interest.
3. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Amended Chapter 13 Plan.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Amended Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, Chapter 13 Trustee, 2901 St. Lawrence Ave., Reading,
PA 19606

James W. Zerillo, Attorney for Michael P. Simmons and Brenda L. Simmons, 937 North
Hanover Street, Pottstown, PA 19464, jameszerillo@gmail.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on September 5,
2018:

Michael P. Simmons and Brenda L. Simmons, 339 S Hanover St, Pottstown, PA 19465-7023

DATE: 9/5/18

/s/ Karina Velter

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